

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

AMANDA VALENZUELA,
Plaintiff,

v.

THE UNIVERSITY OF TEXAS
AT AUSTIN, et al.,
Defendants.

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Civil Action No. 1:19-cv-01202-RP

DEFENDANT’S UNOPPOSED MOTION FOR LEAVE TO EXCEED PAGE LIMITS

TO THE HONORABLE DAVID PITMAN.:

Defendants, The University of Texas at Austin (“UTAustin”) and Dr. John Clarke (“Dr. Clarke”) (collectively, “Defendants”), file this Unopposed Motion for Leave to Exceed Page Limits for filing its Motion to Dismiss Plaintiff’s Second-Amended Complaint, and respectfully move this Court as follows:

1. Rule CV-7.d.3. of this Court’s Local Rules states that “[u]nless otherwise authorized by the court, a dispositive motion is limited to 20 pages...”. Rule CV-7.c. defines “dispositive motion” as including a motion to dismiss.

2. Plaintiff raises 17 separate claims of “discrimination” in her 31-page Second Amended Complaint. **Dkt. 22**. The alleged facts and occurrences contained in the Second Amended Complaint cover over five years and Plaintiff names no less than five specific UTAustin employees, the entire Art History Department, Office of Financial Aid, and UTAustin’s Division of Diversity and Community Engagement – Services for Students with Disabilities, as actors who have discriminated against her.

3. Good cause exists for extending the page limitation. Defendants’ Motion to Dismiss includes details of relevant actions, documents, and decisions. A motion to dismiss should show

the Court that it both lacks jurisdiction and that Plaintiff has not met her burden to state claims for relief. Therefore, Defendants have endeavored to present the Court with all of the facts, in sufficient and specific detail, as well as legal analysis on each claim for relief, to demonstrate that Plaintiff has neither pleaded sufficient facts to support her claims nor provided any showing that the Defendants' sovereign and/or qualified immunity has been waived.

4. The claims presented by Plaintiff are complex in nature, and the facts made basis of the claims require more development than have been stated in the Second Amended Complaint. The discreet acts and relevant documents are interrelated and build upon each other, such that, in order to present the Court with sufficient information to rule on the Motion, Defendants must exceed the page limit of 20 pages. Defendants' Motion to Dismiss Plaintiff's Second-Amended Complaint, is approximately 46 pages. Defendants request the Court to allow them to extend the page limitation by 26 pages.

5. Defendants have conferred with Plaintiff's counsel regarding this Motion, and he states that he is unopposed to the request.

CONCLUSION AND PRAYER

For the reasons set forth above, The University of Texas at Austin and Dr. John Clarke respectfully pray that the Court grant them leave to exceed the page limitations in Defendants' Motion to Dismiss Plaintiff's Second-Amended Complaint.

Dated: August 3, 2020

Respectfully submitted,

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Attorney General of Texas

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/s/ Summer R. Lee

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**ATTORNEYS FOR DEFENDANTS THE
UNIVERSITY OF TEXAS AT AUSTIN AND
JOHN CLARKE**

CERTIFICATE OF CONFERENCE

On July 31, 2020, the undersigned counsel conferred by email with Terry Gorman, counsel for Plaintiff, per Local Rule CV-7.i. regarding the contents of this motion. Mr. Gorman indicated that he is unopposed to Defendants' request to extend the page limitations.

/s/ Summer R. Lee

SUMMER R. LEE

Assistant Attorney General

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served through CM/ECF filing, on this the **3rd day of August, 2020**, upon the following individual:

Terry P. Gorman, Esq.
Gorman Law Firm, pllc
tgorman@school-law.co
Attorney for Plaintiffs

/s/ Summer R. Lee
SUMMER R. LEE
Assistant Attorney General